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17 (f/k/a Morgan Stanley DW, Inc.)

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 FISHER INVESTMENTS, INC., a California
16 corporation,

17 Plaintiff,

18 v.

19 MORGAN STANLEY DW, INC., a
20 Delaware corporation, and DOES 1-10,
inclusive,

21 Morgan Stanley.
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Case No. C 07 2547 JCS

NOTICE OF SETTLEMENT

Plaintiff Fisher Investments Inc. and Defendant Morgan Stanley & Co., Inc. hereby notify the Court that the parties have reached a settlement in this matter. Counsel for Defendant and Plaintiff are in the process of preparing a written Release and Settlement Agreement and Stipulated Dismissal. The Parties anticipate that they will file a dismissal on or before May 1, 2008. Accordingly, the Parties request that the Court take the initial case management conference, currently set for April 25, 2008, off calendar or continue it to a later date. The parties also request that the Court take Morgan Stanley's motion to dismiss off calendar. The motion is currently set for May 9, 2008.

Dated: April 11, 2008

JOSEPH W. COTCHETT
NANCY L. FINEMAN
COTCHETT, PITRE & McCARTHY

SCOTT METZGER
ANNA F. ROPPO
DUCKOR SPRADLING METZGER & WYNNE

By: /s/ Scott Metzger
Scott Metzger
Attorneys for Plaintiff
Fisher Investments, Inc.

Dated: April 11, 2008

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MICHAEL D. WEIL
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Michael D. Weil
Michael D. Weil
Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

I hereby attest that the concurrence in the filing of this document has been obtained from Scott Metzger, Attorney for Plaintiff, Fisher Investments, Inc.

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By: /s/ Michael D. Weil
Michael D. Weil
Attorneys for Defendant
Morgan Stanley & Co., Inc.
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